IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14132 of 2005

Between:

Chitteti Pondaiah, S/o.Peda Ragaiah,
R/o.East Gudladona Village, Kaligiri Mandal, Nellore.

..... PETITIONER

AND

1 The District Collector, Nellore District Nellore.
2 The Revenue Divisional officer, Kavali.
3 The mandal Revenue officer, Kaligiri Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, directing the respondents not to cancel the lease of the land in S.No.102/1 of East Gudladona village which was issued in favour of the petitioner by declaring the proposed action of the respondent 2 and 3 in attempting to lease of the land in Sy.No. 102/1 of East Gudladona village as illegal and arbitrary.

Counsel for the Petitioner :MR.V.R.MACHAVARAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

This writ petition is filed to issue a writ of Mandamus directing the respondent not to cancel the lease of the land in Sy.No.102/1 of East Gudladona village, which was issued in favour of the petitioner, by declaring the proposed action of the respondents 2 and 3 in attempting to lease the said land to one Smt.Kota Ramanamma, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

3. The learned counsel for the petitioner submits that petitioner is a landless poor and belongs to schedule caste community. Petitioner had been given the poramboke land to an extent of Acs.3.28 cents in Sy.No.102/1 situated in East Gudladona Village, on lease, by the then M.R.O., Kaligiri Mandal, vide proceedings D.Dis. No.354/2004 dated 01-09-2004 on the resolution passed by the Gram Panchayat. The revenue authorities have also issued adangal pahani to the petitioner in respect of the said land and the petitioner has raised crop in the land and now standing crop of mirchi is there. The learned counsel for the petitioner further submits that pending the representation dated 01-06-2005 filed by the petitioner requesting respondents-authorities not to give the said land on lease to any other person, respondents 2 and 3 are making hectic efforts to lease out the said land to one Smt.Kota Ramanamma, upper caste ryot, who does not belong to Gudladona Village detrimental to the petitioner's interest.

4. The learned Government Pleader for Revenue submits that the proposed action of

the respondents is in accordance with law and cannot be found fault with.

5. Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, at the stage of admission, with a direction to the respondents to consider the representation dated 01-06-2005 and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, respondents shall not dispossess the petitioner from the said land.

6. The Writ Petition is disposed of accordingly. No order as to costs.

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ELIPE DHARMA RAO, J.

Dated 01-07-2005.

SKMR

..... REGISTRAR

To

1 The District Collector, Nellore District Nellore.
2 The Revenue Divisional officer, Kavali.
3 The Mandal Revenue officer, Kaligiri Mandal, Nellore District.

4 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

2 CD copies

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